ORIGINAL

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

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STATE OF LOUISIANA *	
versus *	NO. 198-059 1426(30) SECTION "C"
CLAY L. SHAW *	
* * * * * * * * * * * * *	

EXCERPT FROM PROCEEDINGS in Open Court on February 17, 1969,

B E F O R E :

HONORABLE EDWARD A. HAGGERTY, JR.

JUDGE, SECTION "C"

Dietrich & Pickett, Inc.
Stenotypists
333 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130 - 522-3111

I N D E X

WITNESS	DIRECT	CROSS
WILLIAM EUGENE NEWMAN, JR.	2	13

...oOo...

WILLIAM EUGENE NEWMAN, JR.,

a witness called by and on behalf of the State, having been first duly sworn was examined and testified on his oath as follows:

DIRECT EXAMINATION

BY MR. GARRISON:

Q Where were you living in November of 1963?

A 718 West Clarendon, Dallas.

Q Where do you live now?

A 227 East Greenbriar.

Q Can you recall the day of November 22 of 1963?

A Yes, sir.

Q Do you recall anything unusual happening that day?

A Yes, sir.

Q What do you recall happening?

A I recall President Kennedy being assassinated.

MR. DYMOND:

If the Court please, we object to this witness' testimony on the ground that it is irrelevant to the issues in this case, as we have done before.

THE COURT:

The objection is overruled.

MR. DYMOND:

To which ruling we reserve a bill of exception, making the objection, all of the questions by the State, the ruling of the Court, and the entire testimony up until this time, including the testimony of this witness, parts of the bill.

BY MR. GARRISON:

Q You may proceed. Where were you standing in Dealey Plaza?

A I was standing halfway between Houston Street and the triple underpass on the north side of Elm.

Q Were you with anyone?

A Yes, sir, I was with my wife and two sons.

Q Two sons. What is your wife's first name?

A Frances Gail.

Q What time did you arrive at the scene?

A I am not certain, seems like it was 12:00 to 1:00 o'clock. I don't remember the exact time.

Q Let me put it this way: Did you arrive at the scene during the parade or before the parade arrived?

A We arrived at the scene before the parade reached us, by some 15 minutes.

Q If I were to show you some photographs and engineers plats and a mockup of the Dealey Plaza area, do you feel like you could locate your position?

A Yes, sir, I feel like I could.

Q All right. Now would you move the microphone and stand up and come down here.

(The witness complied.)

Q Mr. Newman, I show you first of all photograph which has been identified as State's Exhibit 34, and I ask you to study it and see if you can pick out your location at that time. Stand over to the side.

A Yes, sir. We were standing right near this light standard here (indicating).

Q What is this object back here right behind you?

A I don't know, just a decorative corridor (sic) I don't know the exact term for it.

Q What kind of material?

THE COURT:

Speak into the mike.

THE WITNESS:

The material is masonry or brick; it might

be some kind of a sandstone.

BY MR. GARRISON:

Q Can you recall what kind of structure this is up in here in this area (indicating)?

A Yes, sir. This is just primarily a hedge row, small trees, just to beautify the location.

Q Now let's go over to the engineering plat, and I ask you the same question. This is a plat which has been identified as State 35. Can you look at this plat and identify your approximate location?

A Yes, sir, I can. Right here (indicating).

Q Here is a pin. Would you put a mark about where you were?

A (The witness complied.)

Q Now, if you will just follow me over here to this mockup and look at it for a moment -- do you want to get to the side so the Defense Attorneys can see you? Can you locate your approximate position on this mockup of Dealey Plaza?

A Yes, sir.

Q Do you want to take this little figure of a man and put it approximately where you were?

A (Placing figure) Right. This represents my

wife here? Is that correct?

Q Well, I would rather have you independently put it approximately where you were.

A All right. I believe she is back a little, forward more and a little closer to this light standard (placing figure).

Q We will pick up your wife after a while.

(LAUGHTER IN THE COURTROOM.)

BY MR. GARRISON:

Q Now, if you will, return your microphone to the Sheriff and take your seat again in the witness stand.

A Yes.

Q (Exhibiting photograph to witness) I show you, Mr. Newman, a photograph which has been marked "S-14," and I ask you if you have ever seen that scene before.

A Yes, sir, I have.

Q What does the picture represent?

A Well, this is shortly after the assassination. This is myself laying on the ground, and my wife.

Q This is you to the left of the lady?

A Yes, sir.

Q The lady is your wife?

A Yes, sir.

Q (Exhibiting photograph to witness) I show you a picture which has been identified as "State 48," and I ask you if you have ever seen this before.

A Well, I have never seen this picture before.

Q Not from that view point?

A No.

Q But you do know what it represents?

A Yes, sir. It shows myself in the picture. It is shortly after the assassination.

Q And where are you in the picture?

A (Indicating) Right here.

Q Will you take this pen and mark an "N" above your body, and would you do the same thing on the other picture.

(The witness complied.)

BY MR. GARRISON:

Q Now, Mr. Newman, while you were there watching the parade, did you see anything unusual occur?

A Yes, sir, I did.

Q What did you see?

A I saw the President of the United States shot in the head.

Q How many shots did you hear?

A I heard at least three. I often thought of four, but I can't clearly say there were four shots; I can clearly say there were three.

Q Do you have any impression as to the direction from which the shots came?

A Yes, sir. From the sound of the shots, the report of the rifle or whatever it was, it sounded like they were coming directly behind from where I was standing.

Q Now would you push the microphrone aside and step down to the aerial photograph and identify that general area, just the general area from which the sounds came.

A In my opinion, the sounds of the shots sounded as if they had come from directly behind me (indicating). I was standing near this light standard here, and I thought the shots were coming from back here, and apparently everybody else did because they all ran in that direction.

MR. DYMOND:

Objection.

THE COURT:

1 The objection is well taken.

2 BY MR. GARRISON:

3 Q Would you go up to the mockup. Move to the

4 side so the Defense Counsel can see, and

5 just touch with your finger the general

6 area, your impression, where the shots

7 came (from).

8 A (Indicating) From back in this direction here

9 directly behind me. At the time -- you

10 want me to mention the third shot?

11 Q We will go into that later. I just wanted you

12 to locate yourself.

13 A Okay.

14 Q Give the microphone back and take your seat

15 again, and we can go into the shots.

16 (The witness complied.)

17 Q Would you tell us in as much detail as you can

18 recall about the impact which you may have

19 observed from the shots.

20 A Yes, sir. You want me to start with the first

21 two shots?

22 Q Start right from the beginning and just tell us

23 as you recall.

24 A Okay. My wife and myself were watching the

25 parade come toward us. We had to move on

less step off the curb to look up the street, and as the car was approaching I heard two shots -- BOOM, BOOM -- and when the first shot was fired the President throwed his hands up like this (demonstrating), and at the time what we thought had happened, somebody throwed firecrackers or something under the automobile and he was protecting his face. At the time of the first shot Governor Connelly turned in his seat in this manner (demonstrating), to look back at the President I suppose, and then the second shot was fired, and then as the car approached us to where we were standing, I could see Governor Connelly leaning back in his seat holding his hands down like this (demonstrating), and at that time I could see blood on his shirt, and that is when I actually realized that it appeared, you know, he had been shot. The President all the time was staying in an upright position in his seat and it looked like he was looking into the crowd of people as if he was trying to see someone. I caught a

glimpse of his eyes, just looked like a cold stare, he just looked through me, and then when the car was directly in front of me, well, that is when the third shot was fired and it hit him in the side of the head right above the ear and his ear come off. Now, it is my opinion at the time --

MR. DYMOND:

I object to what his opinion is, Your Honor.

THE COURT:

Tell us what you saw.

BY MR. GARRISON:

Q Just tell us what you observed.

A Well, I observed his ear flying off, and he turned just real white and then blood red, and the President, when the third shot hit him he just went stiff like a board and fell over to his left in his wife's lap, and I told my wife, "That is it, hit the ground," and that is when we hit the ground because I thought the shots were coming over our heads. And then I looked back and I saw Mrs. Kennedy jumping up on the back end of the car and the

1 Secret Service man or whoever it was into
2 the car, and then they shot on off, took
3 off.
4 Q Approximately how far were you from the
5 President when the third shot hit him?
6 A I was the width of one lane, approximately
7 10 or 15 feet. I was standing on the
8 curb's edge, edge of the curb. They were
9 in the second lane.
10 Q What was the reaction which you observed to the
11 President's head on the third shot?
12 A The only reaction that I can recall -- I don't
13 recall whether his head went back or
14 forward, but I do recall when the impact
15 hit him that he just stiffened and he went
16 to the left, real hard to the left and
17 into her lap, and --
18 Q From your position, did he come toward you or
19 away from you?
20 A He went away from me.
21 Q Did you give any statement to the Federal Bureau
22 of Investigation?
23 A Yes, sir, I did, and also to the Sheriff's
24 Office after the assassination. A news
25 reporter carried me to the FAA, and then

from that point went to the Sheriff's Office and I give a written statement.

Q Were you called as a witness to the Warren Commission?

A No, sir, I wasn't.

MR. GARRISON:

Your witness, Mr. Dymond.

CROSS-EXAMINATION

BY MR. DYMOND:

Q Mr. Newman, would you again demonstrate just about how far to the right the President had his head turned when that third shot was fired?

A Well, at the time --

Q Just by moving your own head, if you will.

A Like I say, he was moving his head up to that point. At the time that he was hit he could have had it maybe in this position here (demonstrating).

Q I am referring now to the mockup of Dealey Plaza, --

A Yes, sir.

Q -- and I am pointing to the spot where you have indicated that you were standing.

A Yes, sir.

1 Q Now, would it be approximately accurate to say
2 that the President turned his head halfway
3 to the right, right before that shot was
4 fired?
5 A I don't -- could be possible, I don't think so.
6 Q Well, show us with your own head about how far
7 he turned it.
8 A (Demonstrating) Well, I would say he might have
9 had his turned at a -- I don't know how
10 many degree angle, just about like so,
11 just about like I am looking at the Jury.
12 Q Now, are you familiar with the area which has
13 been commonly referred to as the grassy
14 knoll area?
15 A Yes, sir, I am.
16 Q From the manner in which you saw the President
17 turn his head, is it not a fact that had he
18 had his head turned as you say it was, that
19 it would have been impossible to hit the
20 left ear area by firing shots from the
21 grassy knoll?
22 MR. ALCOCK:
23 Objection, Your Honor. This man can't
24 render an opinion. Mr. Dymond is
25 asking this man for an opinion which

this man is not able to render at the time.

MR. DYMOND:

If the Court please, I am speaking about nothing but angles here. This gentleman purports to know about approximately how far the President's head was turned. He is familiar with the area, knows where the grassy knoll area is, and certainly knows what a straight line from the grassy knoll area is.

THE COURT:

Rephrase your question.

MR. ALCOCK:

It still calls for opinion.

THE COURT:

Rephrase your question.

BY MR. DYMOND:

Q Based upon your knowledge, Mr. Newman, of the angle to which the President turned his head to the right, right before the third shot was fired, and knowing the location of the grassy knoll area, would a line projected from any place on the grassy

knoll area here have been able to hit the President in the area of the right ear?

MR. ALCOCK:

Your Honor, that question is too speculative, too broad. The grassy knoll area is quite wide. What position is Mr. Dymond talking about, this so-called imaginery line?

MR. DYMOND:

If the Court please, --

MR. ALCOCK:

I think the question calls for opinion. It is entirely too speculative.

MR. DYMOND:

If the Court please, we will take any place on the grassy knoll area, if that is the objection.

THE COURT:

I think the question is a good question, but I wonder if the witness understands it.

MR. DYMOND:

If he doesn't, I would be glad to explain it.

THE COURT:

1 Before you said the left ear, now you
2 said the right. You changed your
3 question yourself.
4 BY MR. DYMOND:
5 Q Do you understand my question, Mr. Newman?
6 A Yes, sir, to an extent. I would like to walk
7 down to the mockup and see how big --
8 THE COURT:
9 You may explain any answer you wish to
10 give.
11 Do you want to hear the question
12 again?
13 THE WITNESS:
14 I know the question.
15 THE COURT:
16 Wait, gentlemen. If you have a little
17 private conversation the Jury is not
18 going to hear it.
19 THE WITNESS:
20 (Indicating) This is all the grassy knoll
21 area, and it was my opinion or my
22 thought from the noise, that the shots
23 were coming from directly behind in
24 here. I would say that the shots
25 could have been fired from here, but

the further this way you go, the less likely it would have been.

BY MR. DYMOND:

Q I see. Now, from the parking lot area behind the grassy knoll -- I am referring to the area north of the building here (indicating) --

A Yes, sir.

Q -- would you say that a straight line projected from that area could have hit the President in the right ear in view of the angle?

A I would call this west (indicating). From this area, from the little building, I call that west. I would say that the President could have been shot -- you asked me if he could have been hit in that area, somewhere in this area -- I am going to say again the further this way the man or whoever it was that fired the shot, the less likely the bullet would have hit him.

Q In view of the angle?

THE COURT:

May I interrupt a second? Mr. Newman, the Jury has to hear what you say. If

1 they don't hear it, there is no use
2 of you testifying.
3 BY MR. DYMOND:
4 Q In view of the angle at which you say
5 President Kennedy had his head at the time
6 that the third shot was fired, is it not a
7 fact that a straight line drawn from the
8 Texas School Book Depository to his head
9 could have hit him in the right ear area?
10 A I don't know. Now, I said that the President
11 had his head at an angle. It could be that
12 he had his head at a complete right angle
13 to me also. I said that he was moving his
14 head up to this point; whether his head was
15 turned like so (demonstrating), or whether
16 he was looking straight ahead in the car at
17 the moment of the shot, I am led to
18 believe in my own mind that he was looking
19 more straight ahead than he was at an angle
20 at the exact moment he was hit.
21 Q Mr. Newman, didn't you testify on Direct
22 Examination that at the time of the third
23 shot the President had his head turned to
24 the right looking at the crowd?
25 MR. OSER:

1 Your Honor, the witness did not say that.
2 What the witness said --
3 MR. DYMOND:
4 I am asking whether he said it. This is
5 Cross.
6 THE COURT:
7 Don't tell the witness what you thought
8 he said, ask him if he said it or
9 not, Mr. Dymond. He is under
10 cross-examination.
11 MR. DYMOND:
12 That is exactly what I said.
13 MR. OSER:
14 Not --
15 THE COURT:
16 Let him answer the question.
17 MR. OSER:
18 He keeps making remarks.
19 MR. DYMOND:
20 May I ask the Court Reporter to read the
21 question back?
22 THE COURT:
23 Read it back.
24 (Whereupon, the pending question was
25 read back by the Reporter.)

THE WITNESS:

No, I said, or my intent was to say, the President coming -- as the motorcade approached us, the President was turning his head in this manner here (demonstrating) looking into the crowd. He was also turning his head straight forward and he was looking into the crowd as if he was looking for something or someone.

BY MR. DYMOND:

Q Oh, so actually --

A -- leading up to the point where he was shot.

Q So actually you don't know in what position the President's head was when the third shot --

A To be precise, I don't know the exact position.

MR. DYMOND:

That is all, Mr. Newman.

MR. GARRISON:

No questions.

THE COURT:

Is Mr. Newman released from the obligations of the subpoena?

MR. GARRISON:

Yes, Your Honor.

(Witness Excused.)

C E R T I F I C A T E

I, the undersigned, Helen R.Dietrich, do hereby certify:

That the above and foregoing (21 pages of typewritten matter) is a true and correct transcription of the stenographic notes of the proceedings had herein, the same being the testimony of William Eugene Newman, Jr. --------- from the proceedings in Open Court on February 17, 1969, and taken down by the undersigned and transcribed under her supervision, on the day and date heretofore noted.

New Orleans, Louisiana, this 6th day of June, 1969.

Helen R. Dietrich

HELEN R. DIETRICH
REPORTER